



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	27 April 2007
EXPIRATION DATE:	28 May 2007
REFERENCE NUMBER:	POA-2006-1982-2
WATERWAY:	Norton Sound

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: Stebbins Native Corporation, P.O. Box 71110, Stebbins, Alaska 99671.

AGENT: Mr. Donald L. Stevens, 1048 W. International Airport Road, #103, Anchorage, Alaska. (907) 561-1991.

LOCATION: The project site is located within Sections 33 and 35, T. 22 S., R. 19 W. and Section 2, T. 23 S., R. 19 W., Kateel River Meridian; USGS Quad Map Saint Michael C-1; Latitude 65.5378° N., Longitude 162.2916° W.; in Stebbins and Stuart Island, Alaska.

PURPOSE: The applicant's stated purpose is to obtain suitable rock and gravel to improve Unalakleet Airport.

PROPOSED WORK:

At Stebbins: Place 1,556 cubic yards of fill material below mean high water (MHW) to construct a 200' long x 54' wide temporary jetty for a barge landing site. The barge would be used to transport rock and gravel acquired from Stephens Hill (an upland material site) to the Unalakleet airport.

Place 8,159 cubic yards of fill material into 2.06 acres of wetlands to widen a 16' (bottom width) road to 38' (bottom width). The increased road width would facilitate gravel hauling operations from the material site to the barge landing area.

Place approximately 10,000 cubic yards of rock and gravel into 0.70 acres of wetlands for a 175' x 175' temporary material stockpile site.

At Stuart Island: Remove approximately 1,500 cubic yards of material within a 100' wide x 100' long x 7' deep area using a hydraulic excavator to create a barge landing site that includes installation of temporary barge tie down anchors.

ADDITIONAL INFORMATION:

The applicant's original proposal included a material site at Stuart Island, however, an on-site wetland delineation is required before the application can be processed. The applicant is proposing to conduct a wetlands delineation this summer and if required will apply for a Department of the Army permit for future material excavation operations.

MITIGATION: The applicant has agreed to contribute \$1,500 to the Alaska Wetlands Contribution Fund as compensation for impacting 3.24 acres of waters of the U.S. in accordance with the 2003, *"Memorandum of Agreement Among the Federal Aviation Administration, U.S. Army Corps of Engineers, Alaska Department of Transportation and Public Facilities, U.S. Fish and Wildlife Service, and Alaska Department of Fish and Game regarding Impacts to Wetland and other Aquatic Resources, Mitigation and Airport Improvement Projects in Alaska"*.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated Teq'erllak Site (SMI-00019). Because the property has been determined to lie within the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the range of the threatened spectacled and Steller's eiders.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity may affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this

decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Marcia L. Heer at (907) 753-5646, toll free from within Alaska at (800) 478-2712, or by email at marcia.l.heer@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

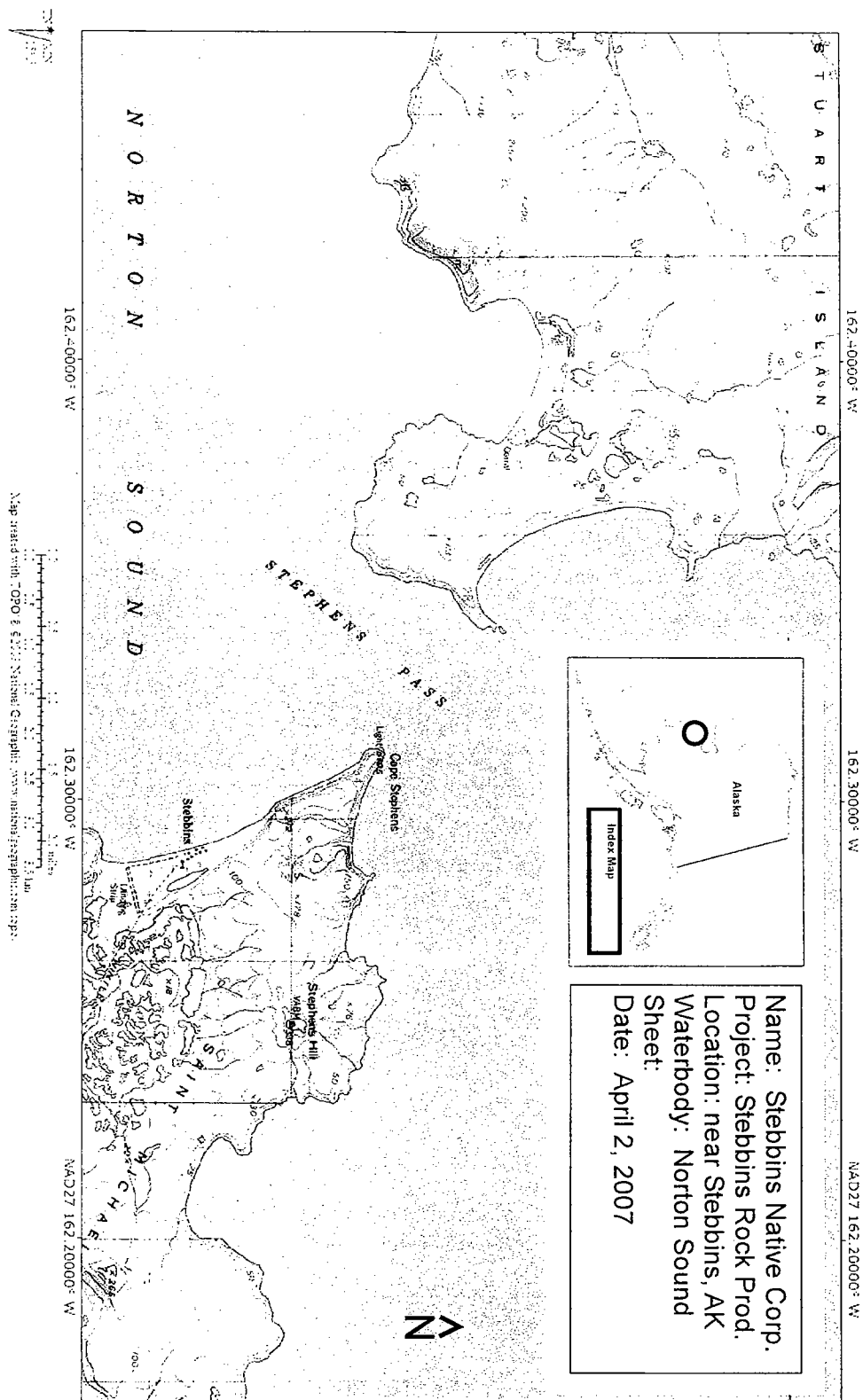


Figure 1 Geography of a portion of Stuart Island and the Stebbins area. Land Grid is Kateel River Meridian.

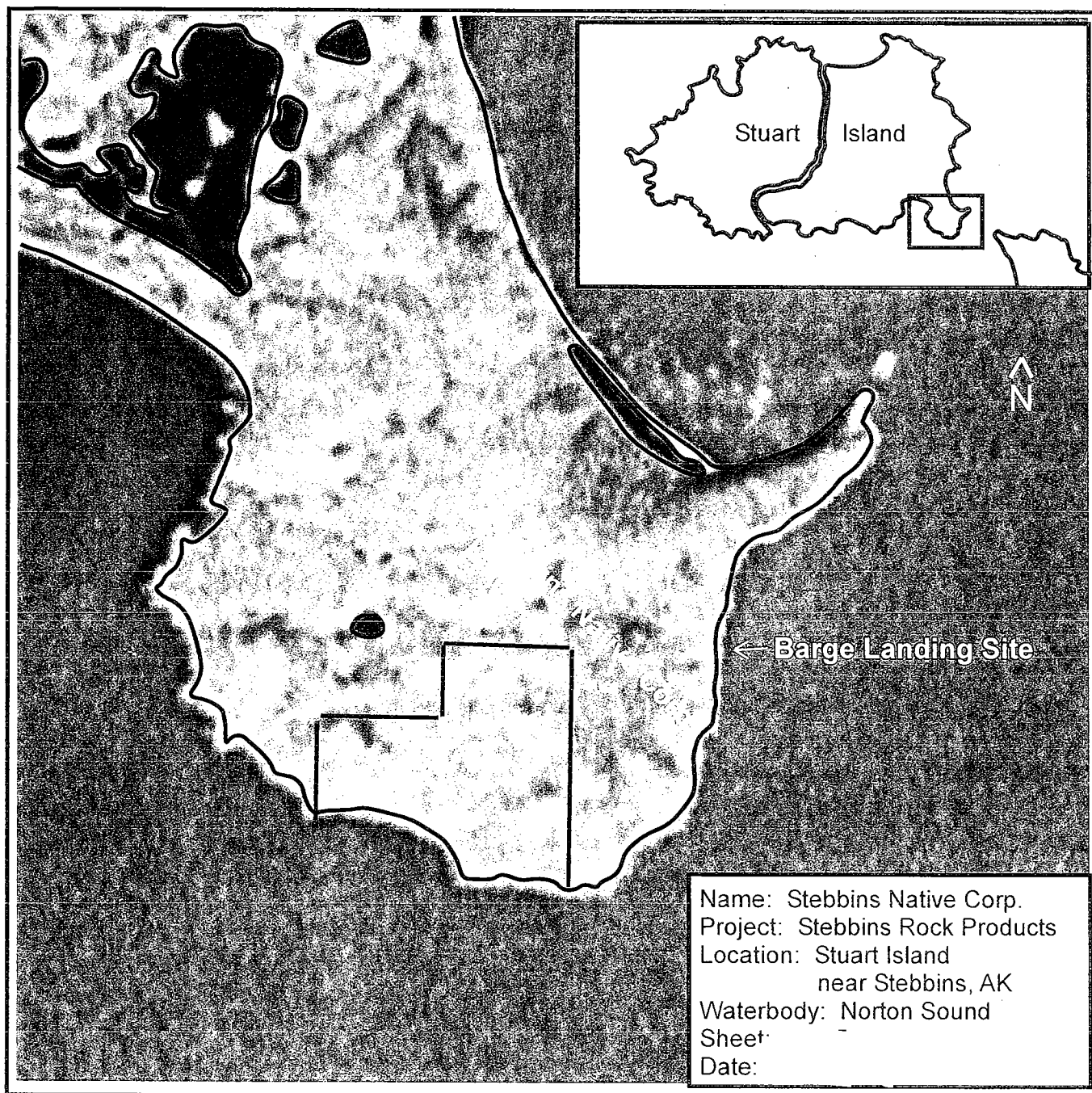


Figure 2 Location of Barge Landing Site on the southeast corner of Stuart Island.

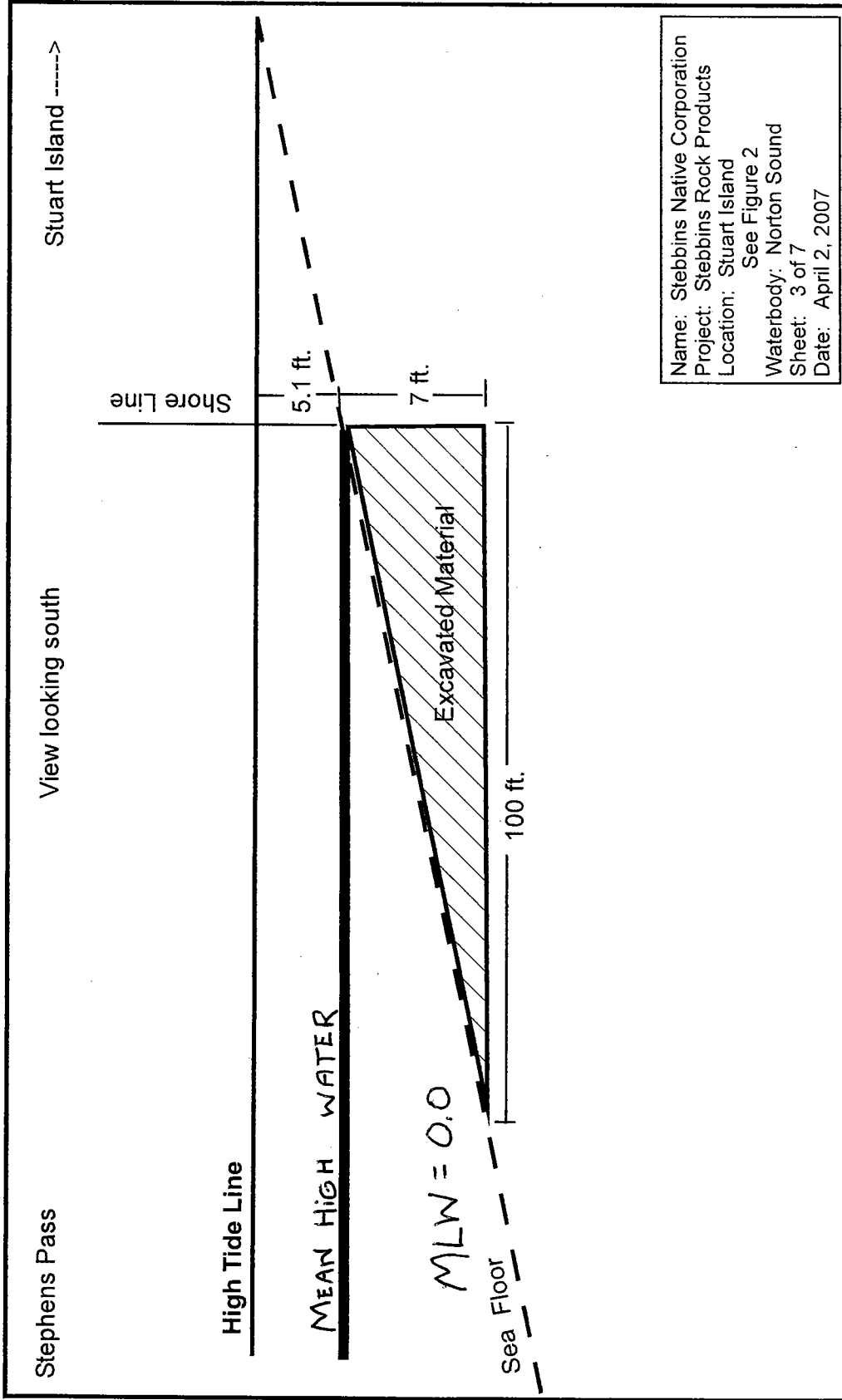


Figure 3 Elevation View of Cross-Section of Barge Landing Excavation on southeast corner of Stuart Island.

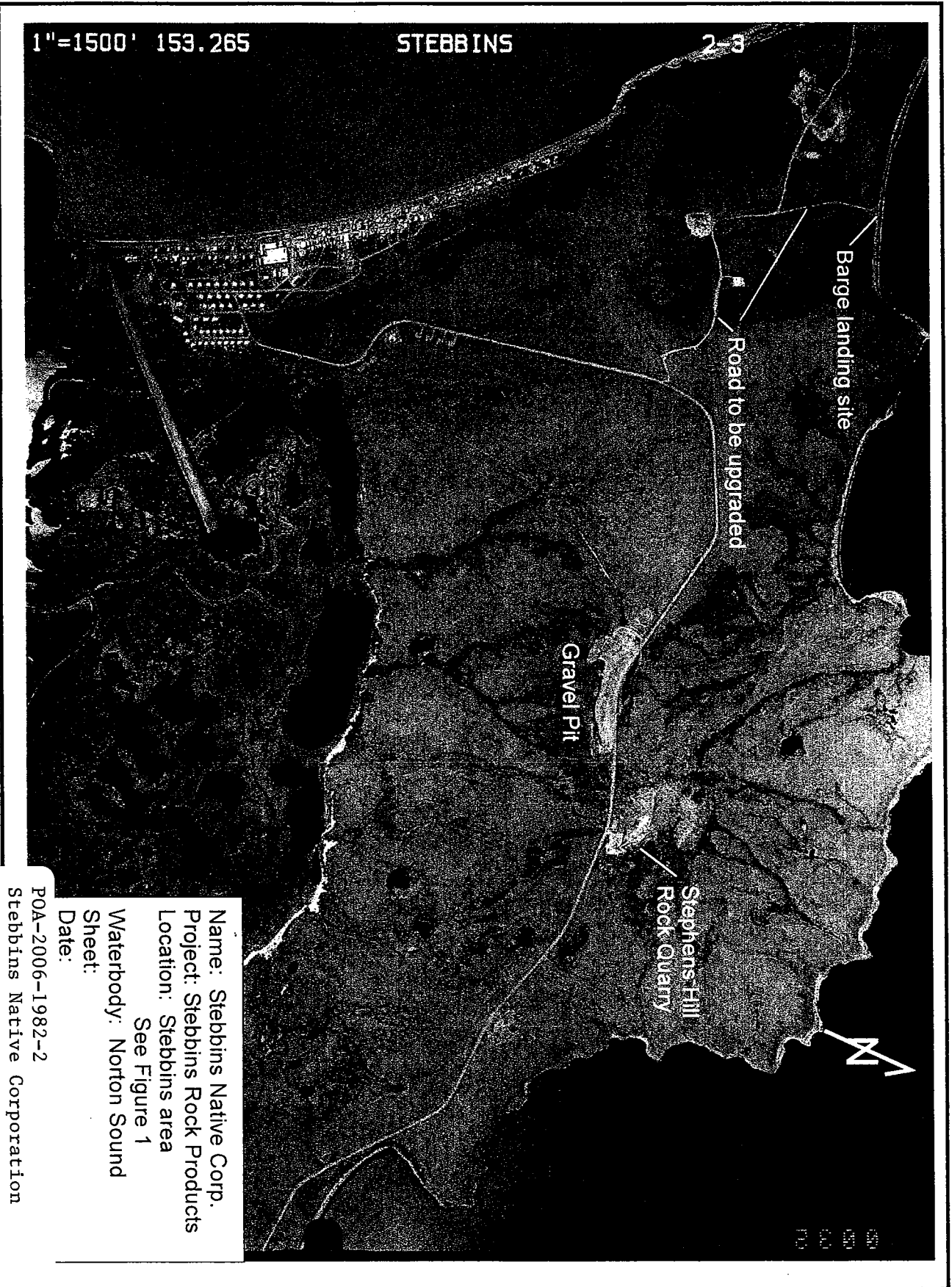
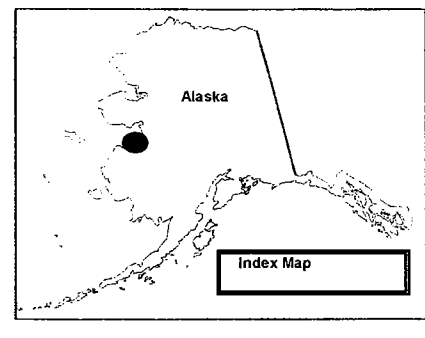
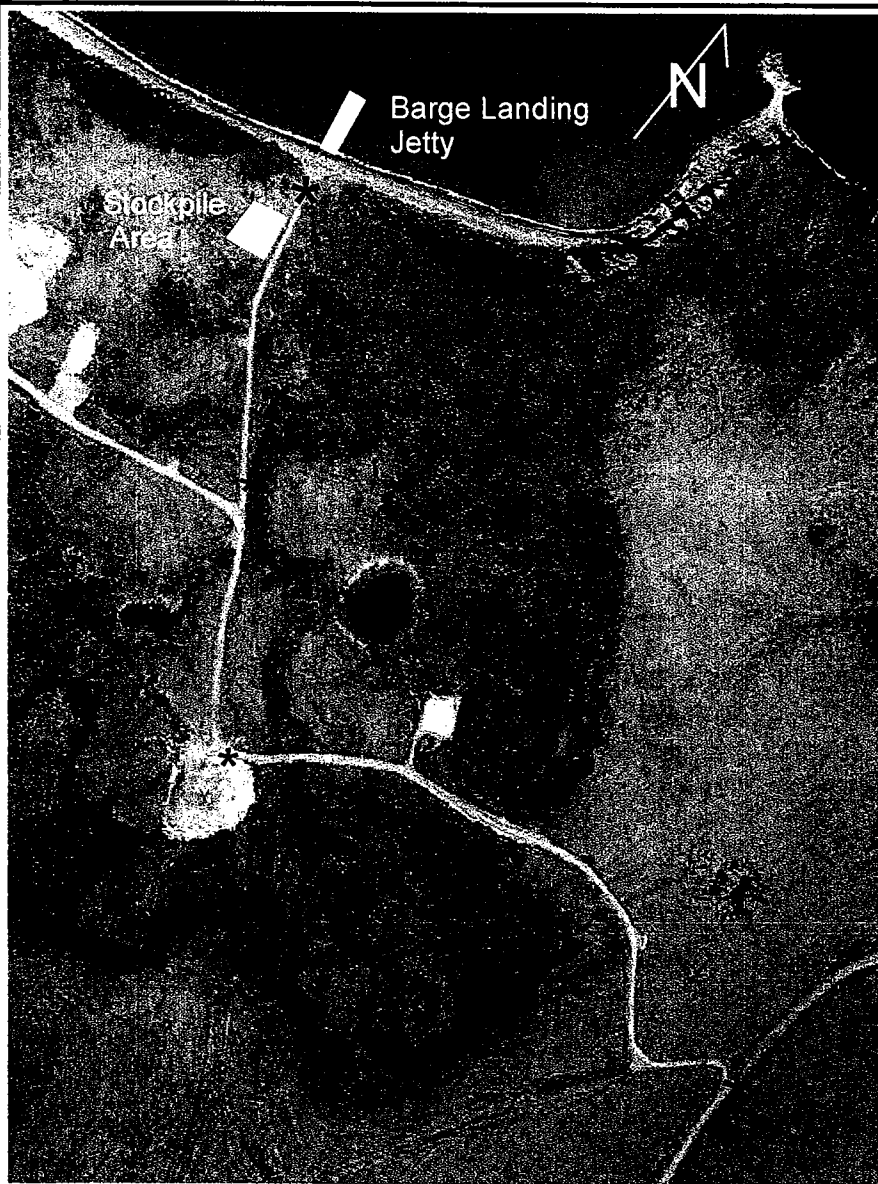


Figure 4 Air Photo of Stebbins area showing key features involved in this project.



Notes

Road to be upgraded is marked by red astericks.

Upgrade to be done on 4,080 linear feet of existing road.

Existing road volume is: $14' \times 1' \times 4080' = 2,116$ cubic yards.

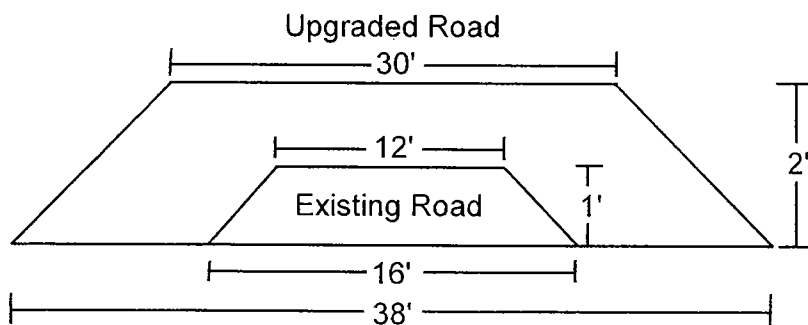
Existing road footprint is 1.5 acres.

Volume of new material to be used in the upgrade is:
 $34' \times 2' \times 4080' = 8,159$ cubic yards

Upgraded road footprint would be 3.18 acres

Stockpile area would be about $175' \times 175'$. Barge would be loaded from stockpile.

Jetty would be about 200' long x 30' wide at top. See Figure 7 for details.



Cross-Sections of Existing and Upgraded Road

Name: Stebbins Native Corp.

Project: Stebbins Rock Products

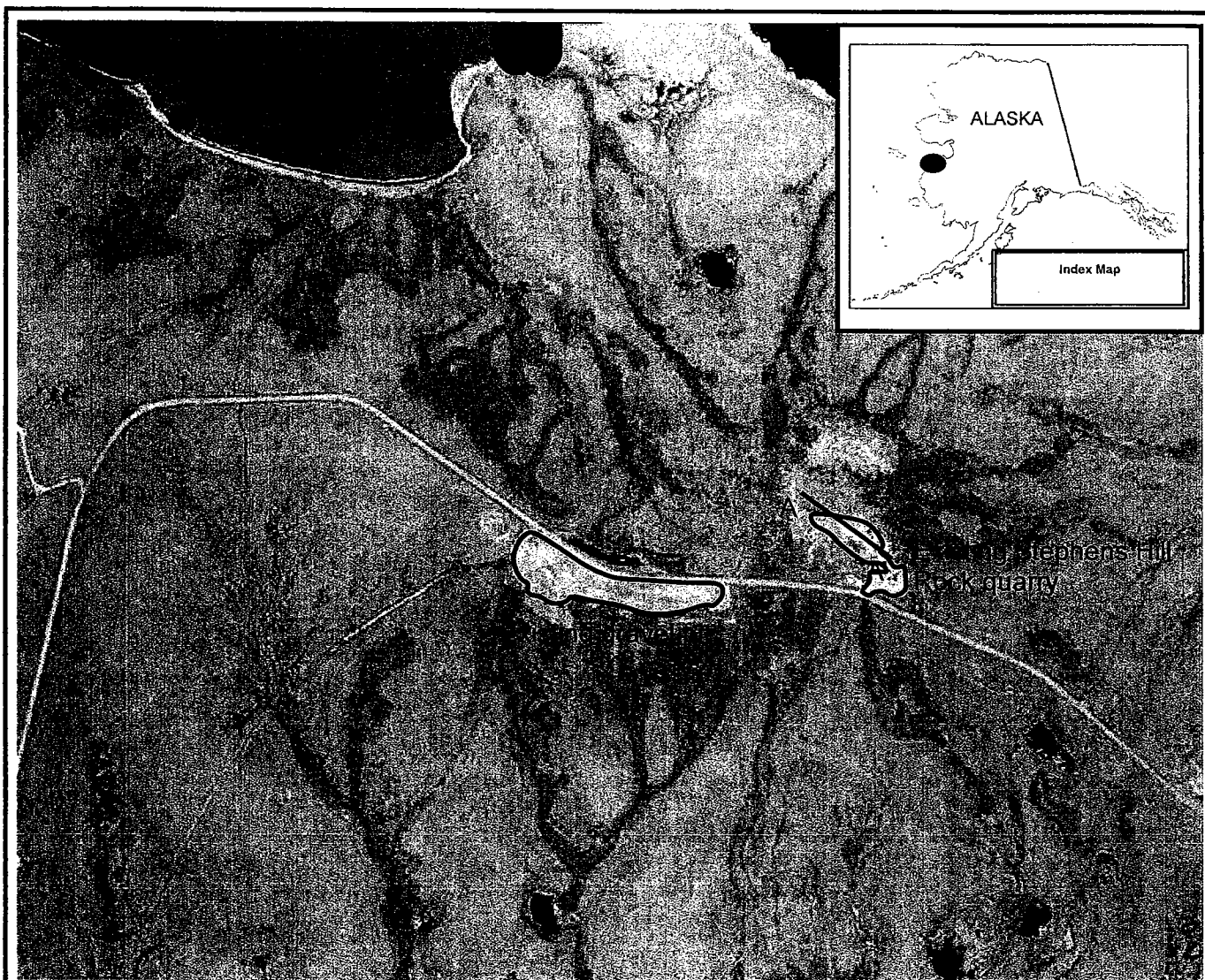
Location: North of Stebbins
See Figures 1 & 4

Waterbody: Norton Sound

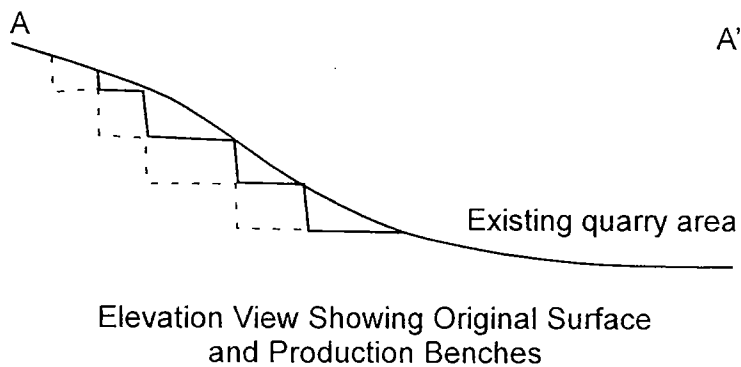
Date: April 5, 2007

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Figure 5 Location and Specifications of Upgrade to Norton Sound



Stephens Hill Rock Quarry Cross-Section
(looking east northeast, not to scale)



Name: Stebbins Native Corporation

Project: Stebbins Rock Products

Location: Northeast of Stebbins
See Figures 1 & 4

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Figure 6 Locations of Stephens Hill rock quarry and gravel quarry sites, with hypothetical cross-section

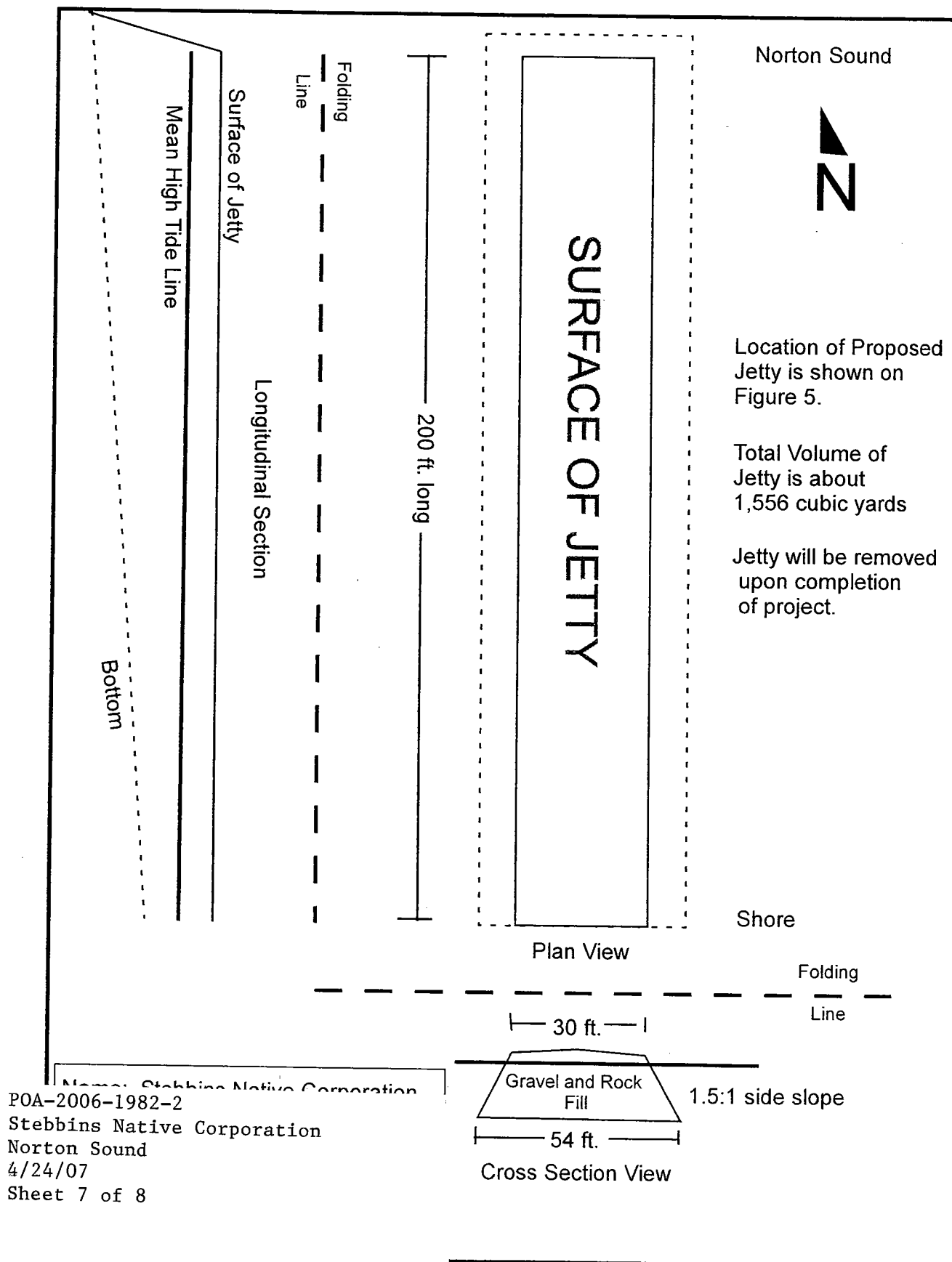


Figure 7 Plan View, Cross Section View, and Longitudinal View of Proposed Jetty to be Built for North Beach Barge Landing at Stebbins, Alaska.

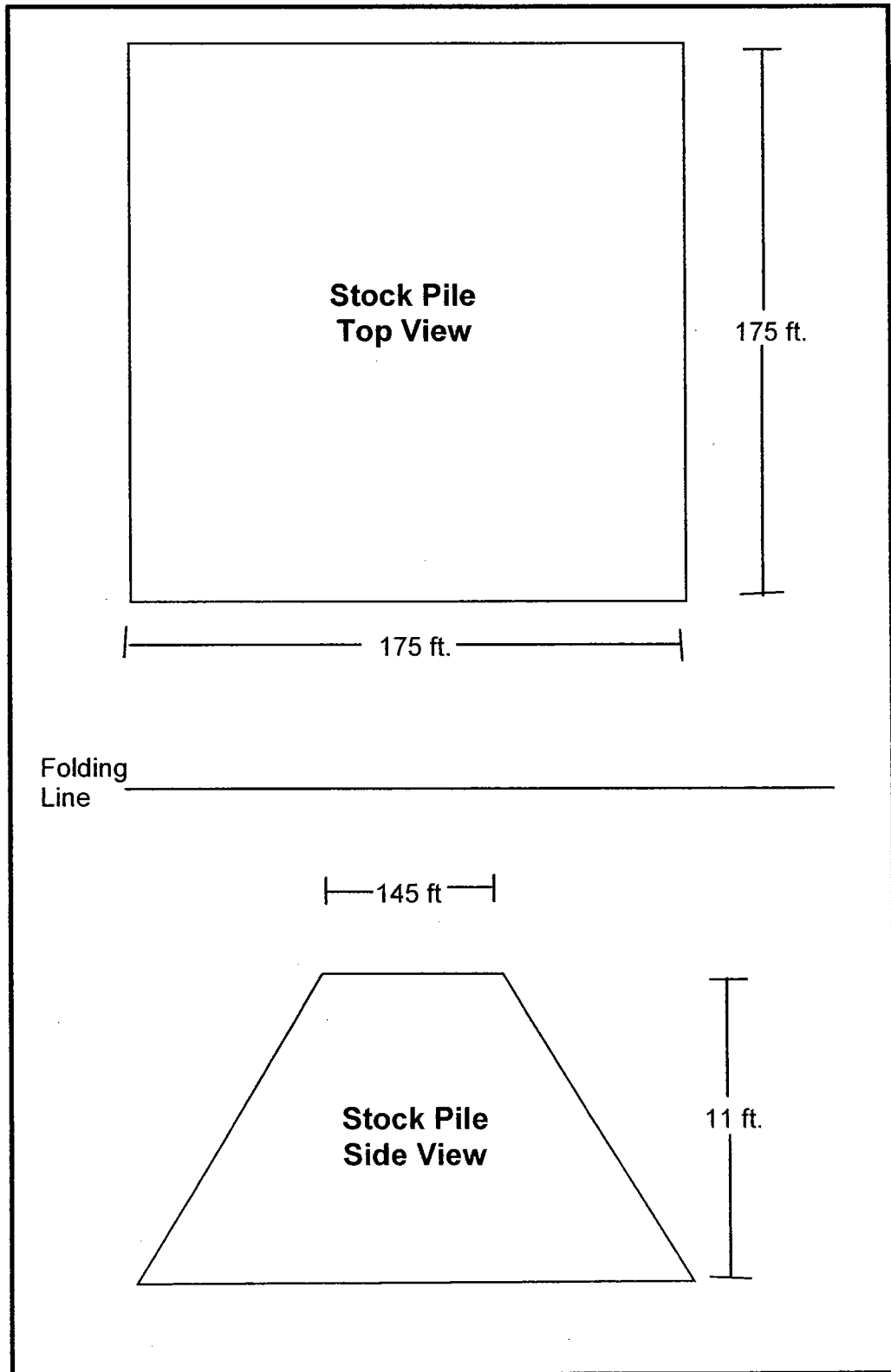


Figure 8 Plan View and Cross-Section View of Stockpile Site

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2006-1982-2, Norton Sound, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2006-1982-2, Norton Sound, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.